

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE)	CHAPTER 13
)	
VINCENT WENDOWSKI,)	CASE NO.: 20-11964-MDC
Debtor)	
~~~~~	)	
CAPITAL ONE AUTO FINANCE, A DIVISION OF CAPITAL ONE, N.A.,	)	
Movant	)	<b>HEARING DATE:</b>
vs.	)	Tuesday, February 16, 2021
	)	10:30 A.M.
VINCENT WENDOWSKI, and ROBERTA D SMITH., Codebtor	)	
Respondent(s)	)	
and	)	
WILLIAM C. MILLER, ESQ.	)	<b>LOCATION:</b>
Trustee	)	United States Bankruptcy Court 900
	)	Market Street
	)	Courtroom No. 2
	)	Philadelphia, PA 19107

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND CODEBTOR STAY**

AND NOW, comes the above-captioned Movant, Capital One Auto Finance, a division of Capital One, N.A., by and through their attorney, Jason Brett Schwartz, Esquire, who files this Motion based upon the following:

1. The Movant is a corporation having a principal place of business located at 7933 Preston Road, Plano, TX 75024.
2. The Respondent, Vincent Wendowski is an individual with a mailing address at 1030 Chestnut Street, Trainer, PA 19061, who has filed a Petition under Chapter 13 of the Bankruptcy Code.
3. On or about October 01, 2016, Debtor Vincent Wendowski and Codebtor Roberta D Smith entered into a Retail Installment Sales Contract, involving a loan in the amount of \$13,570.54 for the purchase of a 2010 HONDA CR-V-4 Cyl. Utility 4D LX 4WD.
4. The vehicle secured by the Contract has V.I.N. 5J6RE4H38AL080043.

5. Movant is the assignee of the Contract.

6. The above – described vehicle is encumbered by a lien with a payoff in the amount of \$7,714.47 plus other appropriate charges as of January 17, 2021 but subject to change. The regular monthly payment is \$274.26 at an interest rate of 13.05%.

7. Applying payments received to the earliest payment due, payments have been missed post-petition, since July 15, 2020 in the amount of \$1,742.60, plus all applicable late charges, interest, attorneys' fees and costs plus Pre-Petition Payments of \$521.30.

8. The Property has a N.A.D.A. Value of \$8,125.00.

9. The vehicle is not necessary to an effective reorganization.

10. The Movant is the only lienholder of record with regard to the vehicle.

11. In order to proceed with repossession of the vehicle, relief from the automatic stay must be obtained.

12. Failure to make adequate protection payments is cause for relief from the automatic stay and codebtor stay.

13. The Movant has incurred attorney's fees in the filing of this Motion.

14. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001(a)(3).

WHEREFORE, Movant prays for your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted,  
Mester & Schwartz, P.C.

/s/ Jason Brett Schwartz  
Jason Brett Schwartz, Esquire  
Attorney for Movant  
1917 Brown Street  
Philadelphia, PA 19130  
(267) 909-9036